

## Members of the Federal Communications Commission:

I am a life-long career media professional. I served as the City of Milwaukee's last Telecommunications Director, regulating a major cable TV franchise agreement. I was an institutional network consultant who broke new ground in broadband data applications. I have produced videos and run a small TV production facility. Besides teaching mass communications at the college level, I was a newspaper reporter and editor, penning a daily media column in a major daily newspaper.

I am very distressed at the direction the Commission and the Congress have taken in recent years relating to media ownership. Relaxing ownership rules -- a trend that began in the early 1980s -- has in my learned opinion proved devastating both to the diversity of voices and the quality of content in our electronic media. And by extension, these trends have negatively affected print media as well.

In 1927 the U.S. Radio Act declared that the airwaves belonged to the public. But beginning almost immediately thereafter and continuing to this very day, you would be hard pressed to tell that there are any public airwaves of consequence in the United States of America. Very shortly after the 1927 Act went into effect, its spirit was violated as choice radio frequencies were swiped from public broadcasters and assigned to wealthy private ventures.

Since the day it was formed a few years after the Radio Act, the FCC and other units of federal government have, more often than not, ignored the needs of local communities and instead promulgated regulations and laws that primarily benefited privately owned media companies.

While the FCC has wrestled successfully with many complex technical issues, and while every so often an occasional blip of great insight, such as the Fairness Doctrine, has come along on the figurative public policy oscilloscope, the overall record has been sorry indeed.

Result: Bigger media companies making more money and squeezing out small public and private operations that represent the diversity that almost literally defines the United States of America.

"Convergence" was a technical term that was supposed to mean we wouldn't be able to tell apart our cell phone from our desktop computer. Instead, it's become another way of describing vertical integration in the industry -- a situation where fewer and fewer decision-makers and owners control more and more content, more and more delivery systems and more and more elected officials.

When I was starting out as a newsmen back in the 1970s, it was not uncommon for my employer -- which owned both a newspaper and several local and TV stations -- to copy my newspaper articles before they were published to the news departments of their electronic ventures. These rewritten and heavily shortened



reports exemplified much of what then passed as radio and TV journalism. As the electronic media news operations matured and became more professional, this one-source method of creating content declined noticeably.

But now it is overtly again on the rise. Media conglomerates that own both electronic and print news operations in some communities actually boast that they share resources to report on a story. This may on occasion produce benefits to the community. But this is happening precisely because these conglomerates have figured out that they can reduce newsroom staffs and get one person to do the work that three or four used to do, in competition.

Here in Milwaukee, at least one radio news operation, one TV news department and two newspapers used to cover Milwaukee County government fulltime. In recent years, because of mergers and cutbacks, that number was reduced to one newspaper's one part-time beat. Thus the Fourth Estate -- and the public -- was almost completely unaware when the elected officials in charge of that county devised an expensive new pension scheme for public retirees that proved disastrously expensive and lined the pockets of some of the decisionmakers.

The irony is that the, as I understand it, one reporter covering the government eventually did notice something odd was going on but couldn't get the attention of editors in order to pursue that matter. I would guess the editors were unmoved because complex fiscal stories were not "sexy" enough to warrant space, and more important, because there essentially was no competitive pressure from other news operations that would drive editors toward a wiser decision.

The larger outcome: Both government and media were diminished in the eyes of many citizens. County operations had to be cut way back to make up deficits, hurting especially lower income residents who depend on county services, but also all citizens who came to expect beautiful parks, good roads and other county services.

Members of the Commission: That sort of laissez faire journalism repeated thousands of times across this country and especially in Washington, D.C. will, if left unchecked, wreck this nation's dependence on an informed and active citizenry.

Another pernicious effect of media conglomeration is that smaller voices increasingly are pushed aside. Just as the Radio Act was misused to direct valuable radio bandwidth away from community-centric broadcasters, regulatory relaxation has had the effect of silencing ground-level, community voices in newer media, such as cable. As these entities merge, they tend to clear what they consider programming underbrush.

When I was Milwaukee's telecommunications director, the city's cable franchise had a powerful requirement that the cable provider underwrite community access programming and provide channel space. That provision still exists but has



greatly been watered down. Why? Arguably because the city is more interested in obtaining the maximum amount of the permissible five percent franchise fee and the federal government is disinterested in enforcing diversity provisions.

Result: Community access has suffered, not just in Milwaukee but in many cities. Cable providers are the 900-pound monopsonies that tie up municipal resources in endless negotiations, until a city surrenders. It is very, very odd that cable operators, whose revenues and operations have only grown over the decades, can believably argue that they cannot afford to underwrite the modest cost of maintaining access for members of the community.

The wider result: Minorities and lower-income people have fewer media outlets. Our nation has let wither a service that helped train young people in electronic media production, instilling in them a creative and civic sense, and -- more importantly -- giving them hope that they can do something to improve their struggling communities and neighborhoods.

Cable operators often argue that nobody watches community access. I strongly disagree. When I was telecommunications director for Milwaukee, I commissioned a viewing study. Scientifically and randomly conducted by the independent University of Wisconsin -- Milwaukee survey research facility, the study showed that on a given evening in the early 1990s, about as many Milwaukee residents were apt to be watching a community access channel as others were ESPN.

Study comments indicated that citizens are strongly interested in their own neighborhoods and communities. They like seeing what their neighbors have to say, unfiltered by commercial editing. They like to watch, unedited, their city and county governments in action at meetings and hearings. It gives them a sense of belonging, of greater understanding, and it encourages participation.

While Telecommunications Director, I was attending a Milwaukee Common Council hearing one evening when a breathless man entered the room and asked to speak. He apologized for being out of breath, explaining that he had been watching the hearing live at home on cable TV, via my department's government access channel. What he saw motivated him to race to the proceeding so he could comment.

Members of the Commission: I argue that this gentleman's breathless arrival at a late night hearing is proof not only of the power of television, but also of the importance of seeing that it truly and fully serve the civic and community interest.

Instead, the FCC and Congress seem intent on moving in the opposite direction.

Bandwidth auctions sell off supposed public resources, effectively forever. Media companies that broadcast on public airwaves or cable companies that transmit



their signals via cables laid in local public rights of way work constantly to remove themselves from public oversight and financial obligations to the public that loaned them the privilege of walling off entire sections of the public commons.

Complain to the FCC about the lack of programming choices or poor performance on a local broadcast TV station, and you will soon be drowned out by the cries of organized broadcasters who think of their TV channel assignments as their own property, not ours. But they borrowed this property -- again, the public airwaves -- and they're supposed to be stewards taking care of it for us. It's not supposed to be a license to make huge profits to the exclusion of other interests, but that's exactly what it is becoming. Program choices increasingly are market driven, not community driven. Good business, maybe. Good public policy, certainly not.

Also, we get one-sided video news releases -- fake news, really, painted up to look like real journalism. We get scads of shopping channels. Cable's History Channel more properly ought to be called the Military History Channel. Like local TV news, the creed of the History Channel appears to be: If it bleeds, it leads.

The Commission is seriously concerned when a rock star's breast is momentarily exposed on a live Super Bowl broadcast. It seems far less concerned about pretend violence that is a lot more shocking, and real violence depicted on newscasts, over and over. It fines shock-rock DJs for swearing, but shrugs when elected officials yell similar epithets into broadcast microphones. A little more parity would be nice.

Alas. In general, equal treatment, equal time provisions and doctrines of fairness are now considered quaint. Thus, minority voices whose views might embarrass corporate or government leaders are shooed away. Minority opinions, even plural and sometimes majority opinions, are silenced in favor of today's flavor of political correctness. And those interests can figuratively or literally swear up a spit storm of broadcast invective, only to be rewarded for it with more attention to their demands for laissez faire regulation.

TV stations seldom any longer offer "opposing viewpoints" (the phrase itself seems quaint) and often don't even provide their own viewpoints, at least overtly. But covertly, they provide more programming and content that support their corporate agenda. Twenty-four hour cable news operations go on endlessly about small and isolated but visually sensational events, while highly complex and important matters -- say, global warming or Enron-style fiscal trickery -- get the back seat.

Singer Bruce Springsteen once crooned about "fifty-seven channels and nothing on." Now there are 570 channels and very little on. Cable operators and content providers (the two are increasingly synonymous) argue that they provide plenty of diverse programming. Yet among the last few remaining places in the vast wasteland that cater to minority voices is public access television, which itself is



the victim of benign if not malignant neglect. Further media agglomeration ensures that the pressure to end public access altogether will strengthen.

A recent alternative for minority voices has been the Internet. But it too is in danger of losing its diversity. The current battle in Congress over network neutrality is an almost exact parallel to the gradual ossification of the cable TV industry and, after that, the agglomeration of power and influence that followed Microsoft's rise to fortune with its Windows operating system. When media and telecommunications and computer firms become too big and thus too powerful, they begin seeing opposition and competition as things to be squashed. When they lord over multiple media – TV, print, Internet, radio, cell service, movies, CDs – their influence can become even more onerous.

The FCC, among other agencies, is supposed to represent the interests of all citizens, not just special interests or corporations or the political entities who temporarily hold power. It is supposed to regulate bandwidth and telecommunications technology in ways that maximize not just dollar value, but social value. It is supposed to protect community interests, so vital to our democracy.

The federal government seems to be moving to make individual use of the Internet more heavily monitored. Ironically, that's happening at the very moment in our nation's history when government and its processes are increasingly secretive. The mere unwillingness of a majority of FCC commissioners to provide ample public hearings on matters such as media ownership rules is a signal to individual Americans that we will see more of this.

Tie these developments in with moves on related fronts -- such as the federal government's friendly approach to virtually unlimited copyright protections and heavy restrictions on digital property rights -- and it becomes evident that we are a society moving towards less tolerance of individual expression, more private control, more limits on creative and political content, more controls over the private use of digital information, and more government intrusion into the personal identities of every American who makes a phone call or logs on to a web site.

In short, the deck increasingly is stacked in favor of the people who already hold all the cards. But if this keeps up, our fragile democracy, which depends on free and open communications, will eventually prove to be a house of cards.

It should be a national scandal that media companies can already own a plurality or in some cases a majority of major outlets in a given community. It should be a national scandal that diversity in commercial radio has faded as fewer and fewer companies own more and more stations and program them remotely.

It should be a national scandal that our broadband services are slower and more expensively priced than in most any other industrialized nation.



It should be a national scandal that personal information including Social Security numbers, work records and more are freely scooped up and then sold on the private market.

It should be a scandal that public broadcasting is barely supported by public tax dollars, and depends increasingly on corporate contributions that very well might taint its mission of objectivity and openness.

It should be a national scandal that cell phone service is technically and economically inferior in the USA, compared to Asia and Europe.

It should be a national scandal that very low power amateur radio broadcasters are pursued and persecuted as though they were pirates of the very property that arguably belongs more to them than it does to some multinational profit-making conglomerate owned by, to take one example, an Australian national.

It should be a national scandal that private carriers and content providers want to attach digital flags to their content, so they can not only control it but see how it's being used and by whom.

It's a scandal, too, that the National Security Agency can blithely assert the right (but only after its secret program is uncovered) to tap wholesale into the American phone and Internet exchanges and go fishing for thought crimes.

I realize that the FCC does not have responsibility to deal with some of these matters. But we live in an increasingly holistic society, where the sum often proves greater than the parts. The commission is the nearest thing we have to a public regulatory body that considers the technical and policy issues involving many forms of electronic media. The FCC can be a leader. The FCC can be an educator. The FCC should not allow itself to be captured by the deep-pocket companies whose systems and practices it regulates.

The utility of an electronic medium can not be measured solely by what one can read in a spreadsheet. It must also be measured in terms of its impact on the society, and upon individuals.

Who owns my PC? Who owns the software installed on it? Who owns the airwaves that allow me to connect it via a wireless home network? Who owns the content that I buy or create on that machine? Don't I have the right of fair comment on a published work? Why is network neutrality endangered, and why should Internet carriers be able to favor some content providers over others? Why can't I subscribe just to the eight or twelve cable channels I care about as I could if I lived in, say, Canada?

Everything the FCC does should keep in mind that we, the individual residents and citizens of America, from school children to retirees, are ultimately the



people in charge, and the people who are supposed to benefit collectively from your actions. Not a handful of special interests. Not a simple majority of Congress, but the people. A people who arguably are getting more upset over getting jerked around by the big guys.

Do most Americans really want a society in which private interests and even the government can track our every move through Radio Frequency ID tags or GPS chips? Is a surveillance society in keeping with a democratic and open society? Or are we destroying the electronic village in order to save it?

Just as there are a small but growing number of Americans who are "living off the grid" and making their own power, there are more and more Americans who are shying from communications services, who cringe every time they call a bank or hospital and are asked for their Social Security number or drivers license ID number. Or who see an Internet-enabled police surveillance camera on their street corner, observing all that pass.

Extrapolate that trend and at some point, we'll be a third world nation again. If you can't make a living openly and honestly in a society that increasingly demands your life be encoded digitally for strangers and organized interests to pry into, then more and more people will choose to make their livings in the figurative electronic underground.

In a just and working society, it's government that's supposed to be most transparent and business that is supposed to be at least translucent. In America, individual citizens are presumed to be free from unwarranted scrutiny. And yet the individual is now the party most likely living in the electronic equivalent of a glass fishbowl. Your credit score, your Internet browser history, your phone records -- all may help determine your next job, or your last one. Short of a court order, what I view on the Web, what I see on TV, whom I call on my telephone -- all should be sacrosanct. When it is not, my life is being stolen. And media agglomeration almost certainly ensures that this stolen information will be shared more widely.

In a culture where information is power, who can afford information and who can't? Who owns information and who doesn't? What is the United States government and its agencies, including the FCC, doing in our citizenry's collective interest? Which telecommunications policies will encourage an egalitarian, educated, literate, and thoughtful society? What are the barriers to access and how can we remove them so that more people have a more equal opportunity, from primary schools to workplaces to libraries to homes? When does commercial profit become antithetical to the common good?

What does AT&T or any other communications carrier know about me and my private communications, and what do they think they can do with this information? Why do they think my interest in this process threatens "trade secrets"? Why does the government think it has a wholesale right of access to that



same private information, without my knowledge or at least the approval of an open court? How does the government plan to use my private thoughts and personal information? Are we moving from a media society to an utterly mediated society?

The FCC docket examining media ownership restrictions is an important matter, and one that should be addressed by returning to an earlier era that fostered more, not less, competition while protecting community voices. Beyond this docket, the FCC must begin to see media ownership in a larger context.

The FCC must always consider how private use of public resources benefits the general public, not just business executives or stockholders. It must consider how the quality and utility of electronic content decay as private squatters discern they will seldom if ever be punished for failing to do the right thing. It must actively seek out ways to encourage not just business competition in our airwaves and over the Internet, but also a real competition in ideas. The conflict of ideas built this nation and this democracy. The absence of conflict and effective stifling of dissent may seem convenient and reassuring, but it only assures our nation's overall decay into something less democratic.

Gentlemen, I don't think it'd be fair to expect you to come up with all the answers, but it's imperative that you at least consider them and lend your voice to an honest, candid public debate. For if you fail to consider all these questions and more, there will someday be no American democracy, much less a Federal Communications Commission.

Thank you, and my best wishes and hopes as your continue your deliberations.